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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,840	02/10/2004	Carey J. Naquin	1391-46000	1645
23505	7590	02/22/2007		
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			EXAMINER BOMAR, THOMAS S	
			ART UNIT	PAPER NUMBER
			3672	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/775,840

Applicant(s)

NAQUIN ET AL.

Examiner

Shane Bomar

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 37-39 and 41-59 is/are pending in the application.
- 4a) Of the above claim(s) 58 and 59 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-33, 37-39 and 51-57 is/are allowed.
- 6) ☒ Claim(s) 1, 13-16, 18-21, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 2-12, 17 and 43-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 19 is objected to because of the following informalities: it appears that the recitation of "were" should be --where--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 13-16, 18-21, 41, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0182443 to McIntosh.

Regarding claims 1, 14, 18, 19, 41, and 42, McIntosh discloses a flowbore fluid temperature control system and method comprising: a control system body 4 comprising a flowbore extending through the length of the control system body and comprising an inlet 6 and an outlet 8 such that all flowbore fluid entering the control system body inlet exits the control system outlet; a valve mechanism 12/16 within the control system body that controls the flow of flowbore fluid through the flowbore while maintaining the flowbore fluid in the control system body flowbore (see Fig. 1); an actuator that adjusts the valve mechanism (see paragraphs 0028 and 0044); an operating system that operates the actuator and controls the flowbore fluid pressure (see paragraph 0037); and the temperature of the flowbore fluid being controlled by

Art Unit: 3672

controlling the pressure drop of the flowbore fluid across the valve mechanism (see paragraphs 0038-0041).

Regarding claim 13, the operating system further comprises a pump (see paragraph 0040).

Regarding claims 15, 16, 20, and 21, the valve mechanism part 12 is a single position orifice that creates a flow restriction, whereas the valve mechanism part 16 is a multi-position mechanism due to its attachment to, and subsequent movement by, stem 18 (see Fig. 1).

Allowable Subject Matter

4. Claims 22-33, 37-39, and 51-57 are allowed.
5. Claims 2-12, 17, and 43-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to independent claims 1 and 41 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's arguments, see pages 12-14, filed January 19, 2007, with respect to independent claims 22 and 51 have been fully considered and are persuasive. The previous rejection of said claims, and any dependents, has been withdrawn.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action because the following additional limitation did not exist in any previous sets of claims and/or arguments: the control system body comprising an inlet and an outlet such that all flowbore fluid entering the control system body inlet exits the control system outlet.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 571-272-7026. The examiner can normally be reached on Monday - Thursday from 6:00am to 2:30pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David J. Bagnell
Supervisory Patent Examiner
Art Unit 3672

tsb

February 16, 2007

Jennifer H. Gay
Primary Examiner